

ASSEMBLY BILL

No. 839

Introduced by Assembly Member Emmerson

February 26, 2009

An act to amend Section 14104.5 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 839, as introduced, Emmerson. Medi-Cal service providers: judicial remedies.

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons.

Existing law requires the Director of Health Care Services to adopt procedures for the review of grievances or complaints filed by Medi-Cal service providers concerning the processing or payment of money that the provider alleges is payable under the Medi-Cal program. A provider that complies with these procedures and is not satisfied with the director's decision regarding that claim may seek appropriate judicial remedies within a specified time period.

This bill would, instead, specify that the provider who has complied with these procedures may, within the time period prescribed in existing law, seek either a writ of mandate or, if the claim meets the jurisdictional requirements, file a claim in small claims court.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14104.5 of the Welfare and Institutions
2 Code is amended to read:
3 14104.5. Notwithstanding any other provision of law, the
4 director shall by regulation adopt such procedures as are necessary
5 for the review of a grievance or complaint concerning the
6 processing or payment of money alleged by a provider of services
7 to be payable by reason of any of the provisions of this chapter.
8 After complying with these procedures, if the provider is not
9 satisfied with the director's decision on his or her claim, he or she
10 may not later than one year after receiving notice of the decision,
11 ~~seek appropriate judicial remedies~~ *file a petition for writ of mandate*
12 *pursuant to Section 1085 of the Code of Civil Procedure in the*
13 *superior court or file a claim in small claims court if the claim*
14 *meets the jurisdictional requirements.* This section shall be the
15 exclusive remedy available to the provider of services for moneys
16 alleged to be payable by reason of this chapter.
17 This section shall not apply to those grievances or complaints
18 arising from the findings of an audit or examination made by or
19 on behalf of the director pursuant to Sections 10722 and 14170.
20 Article 5.3 (commencing with Section 14170) shall govern the
21 grievances or complaints.